

Notice of Allowability	Application No.	Applicant(s)	
	10/531,272	SCHIMANZ, GERHARD	
	Examiner	Art Unit	
	William L. Miller	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 02-01-2007.
2. The allowed claim(s) is/are 1,4-9,11,12 and 14-20.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
 Paper No./Mail Date 20050413
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
 Paper No./Mail Date 20070420.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Robert Patch on 04-23-2007.

The application has been amended as follows:

In the specification:

Page 1, line 1, before "The" insert as new line the section heading --Background of the Invention--;

Page 1, line 16, before "The" insert as new line the section heading --Summary of the Invention--;

Page 1, line 18, delete in its entirety;

Page 2, line 12, before "Figure 1" insert as new line the section heading --Brief Description of the Drawings--; and

Page 2, line 18, before "As" insert as new line the section heading --Detailed Description of the Invention--.

In the claims:

Claim 1 has been rewritten in the below final form:

1. An aerial banner assembly for an aircraft, the banner assembly comprising:
 - a banner adapted to display advertising thereon;
 - a banner rod attached to a front end of the banner;
 - a banner spider attached to the banner rod;
 - a tow rope having a first end attached to the banner spider and a second end adapted to be attached to the aircraft;
 - and at least two round disks rotatably mounted on the banner rod which provide running wheels.

Cancel claims 2-3;

Claim 4, line 1, change “Banner” to --The banner assembly--;

Claims 4, line 2, change “especially pivotally” to --and rotatably--;

Claim 5, line 1, change “Banner” to --The banner assembly--;

Claim 6, line 1, change “Banner” to --The banner assembly-- and change “1” to --5--;

Claim 7, line 1, change “Banner” to --The banner assembly--;

Claim 8, line 1, change “Banner” to --The banner assembly--;

Claim 9, line 1, change “Banner” to --The banner assembly--;

Claim 11, line 1, change “Banner” to --The banner assembly--;

Claim 11, line 2, before “end” insert --the-- and before “weight” insert --the--;

Claim 12, line 1, change “Banner” to --The banner assembly--;

Claim 12, line 2, change “9” to --11--;

Claim 12, line 3, change "(19)" to --(17)--;

Cancel claim 13;

Claim 14, line 1, change "Banner" to --The banner assembly-- and change "2" to --5--;

Claim 14, line 2, change "especially pivotally" to --and rotatably--;

Claim 15, line 1, change "Banner" to --The banner assembly-- and change "3" to --9--;

Claim 15, line 2, change "especially pivotally" to --and rotatably--;

Claim 16, line 1, change "Banner" to --The banner assembly-- and change "2" to --15--;

Claim 17, line 1, change "Banner" to --The banner assembly-- and change "3" to --9--;

Claim 18, line 1, change "Banner" to --The banner assembly--;

Claim 19, line 1, change "Banner" to --The banner assembly-- and change "2" to --18--;

and

Claim 20, line 1, change "Banner" to --The banner assembly-- and change "3" to --16--.

3. The following is an examiner's statement of reasons for allowance: Regarding claim 1, the prior art of record fails to disclose or suggest the aerial banner assembly for an aircraft as claimed in detail, specifically wherein at least two round disks are rotatably mounted on the banner rod which provide running wheels. While Richardson (US#2064218) teaches it is known to utilize a wheel 39 in conjunction with an aerial banner assembly (col. 3, lines 40-51), the wheel is mounted to an axle 38 passing through a bracket 37 as opposed to being mounted to a banner rod as claimed by the applicant.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

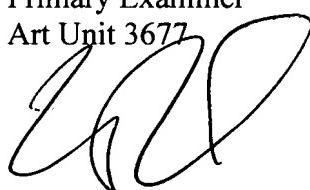
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Miller
Primary Examiner
Art Unit 3677



WLM